
IMMIGRANTS, FISCAL YEAR 2001

This report will appear as a chapter in the forthcoming 2001 *Statistical Yearbook of the Immigration and Naturalization Service*. All references to Appendices, Charts, Tables, and other sections of the *Statistical Yearbook* appear as they will in the final *Yearbook* edition.

I. IMMIGRANTS

This section presents information on the number and characteristics of persons who come to the United States for permanent residence, including persons arriving with that status and those adjusting to permanent resident status after entry.

Immigrants, as defined by U.S. immigration law, are persons lawfully admitted for permanent residence in the United States. Other terms used in INS reports to refer to immigrants include: aliens who are granted legal permanent residence; aliens admitted for legal permanent residence; immigrants admitted; and admissions. (See Appendix 2.)

Aliens wishing to become lawful permanent residents follow one of two paths depending on their residence at the time of application. Aliens living abroad apply for an immigrant visa at a consular office of the Department of State. Once issued a visa, they may enter the United States and become legal immigrants when they pass through the port of entry. Aliens already living in the United States, including certain undocumented immigrants, temporary workers, foreign students, and refugees, file an application for adjustment of status to lawful permanent residence with the INS. At the time they apply for adjustment of status, they may also apply for work permits. Adjustment of status applicants are granted lawful permanent residence at the time their applications are approved. New legal immigrants are automatically authorized to work and should receive permanent resident cards (“green cards”) soon after becoming lawful permanent residents.

U.S. Immigration Program

U.S. law gives preferential immigration status to persons with a close family relationship with a U.S. citizen or lawful permanent resident, persons with needed job skills, or persons who qualify as refugees. Other categories usually account for few admissions. An exception occurred during 1989-92 when over 2.6 million former illegal aliens gained permanent resident status through the legalization provisions of the Immigration and Reform and Control Act (IRCA) of 1986.

Worldwide immigration subject to numerical limits

The Immigration Act of 1990 specified a worldwide level of immigration for certain categories of immigrants with an annual limit that could range between 421,000 and 675,000 depending on admissions in the previous year. These categories and their limits include family-sponsored preferences (226,000 to 480,000), employment-based preferences

(140,000), and diversity immigrants (55,000). The family preference limit is equal to the larger of either 226,000 or a calculation consisting of 480,000 minus 1) the previous year’s total of immediate relatives of U.S. citizens, 2) two numerically small categories of children, and 3) certain categories of aliens paroled into the United States in the second preceding fiscal year plus any unused employment preferences from the previous year (see Appendix 1). The employment preference limit can be higher than 140,000 if family preferences go unused in the previous year.

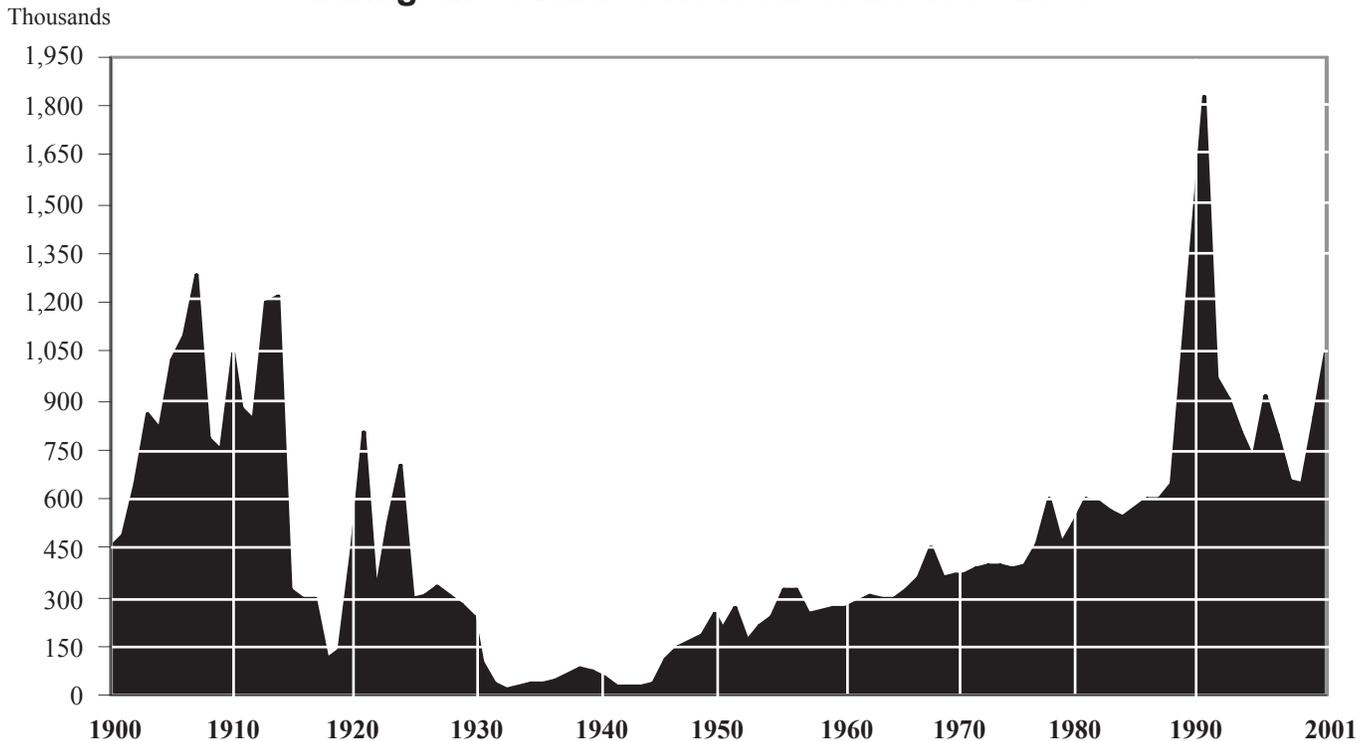
Other categories of immigrants, for example, asylees, are also subject to some form of numerical or time bound limitation. However, these categories typically involve small numbers of aliens and are covered under other sections of immigration law.

Preference immigrants

Family sponsored preferences consist of four categories: unmarried sons and daughters of U.S. citizens and their children; spouses, children, and unmarried sons and daughters of lawful permanent residents; married sons and daughters of U.S. citizens and their spouses and children; and brothers and sisters, including spouses and children, of U.S. citizens ages 21 and over. The employment-based preferences consist of five categories: priority workers; professionals with advanced degrees or aliens of exceptional ability; skilled workers, professionals (without advanced degrees), and needed unskilled workers; special immigrants (e.g., ministers, religious workers, and employees of the U.S. government abroad); and employment creation immigrants or “investors”. Spouses and children are also included in the employment preference limit. The 2001 limits are shown in Appendix 1.

The Department of State is responsible for determining the annual limits and visa allocation for preference immigration. A per-country limit is also calculated annually and is limited to 7 percent of the annual total; the limit for dependent areas is 2 percent of the annual total. The maximum number of visas allowed under the preference system in 2001 was 418,074—226,000 for family-sponsored immigrants and 192,074 for employ-

Chart A
Immigrants Admitted: Fiscal Years 1900-2001



Source: Table 1. See Appendix 2 for fiscal year definitions.

ment-based immigrants. Within these overall limits, no more than 29,265 preference visas could be issued to persons born in any independent country and no more than 8,361 to natives of a dependent area.

Diversity Program

A total of 55,000 visas are available annually to nationals of certain countries under the Diversity Program. However, beginning in fiscal year 1999, the limit could be reduced to 50,000 to allow 5,000 visas for use under the Nicaraguan Adjustment and Central American Relief Act (NACARA) program. In 2001, the Diversity Program limit was 50,000. Nationals of countries with more than 50,000 numerically-limited admissions during the preceding 5 years are excluded from participating in the Diversity Program. Each of the eligible countries is assigned to one of 6 regions and limits are determined by the INS for each region. The limits are calculated annually using a formula based on immigrant admissions during the preceding 5 years and the population total of the region. The maximum visa limit per country is 3,850.

Immigration exempt from worldwide numerical limits

Immigration usually totals much more than the annual worldwide limit for preference and diversity immigrants because some major categories are exempt from the limits.

These categories include:

- ◆ Immediate relatives of U.S. citizens;
- ◆ Refugee and asylee adjustments;
- ◆ Certain parolees from the Soviet Union and Indochina;
- ◆ Cancellation of removal; and
- ◆ Aliens who applied for adjustment of status after having unlawfully resided in the United States since January 1, 1982 and certain special agricultural workers. (The application period ended on November 30, 1988; most recipients of this status gained permanent resident status in fiscal years 1989-92.)

Immediate relatives of U.S. citizens are not subject to any numerical limitation. This has been the single largest category of immigrants since 1986 excluding aliens granted legal permanent residence under IRCA.

Refugees are eligible to adjust to legal permanent resident status after 1 year of residence in the United States without regard to numerical limit. The number of aliens admitted as refugees to the United States each year, however, is established by the President in consultation with Congress (see Refugee section). Recent ceilings on

Table A
Class of Admission of Legal Immigrants: Fiscal Years 1989-2001
 (Percent of total)

Year	Total	Immediate relative of U.S. citizen	Family preference	Employment preference	Refugee/Asylee	IRCA/ Legalization dependent	Diversity	Other
1989	100	20	20	5	8	44	NA	3
1990	100	15	14	4	6	57	NA	4
1991	100	13	12	3	8	61	NA	3
1992	100	24	22	12	12	22	3	4
1993	100	28	25	16	14	9	4	4
1994	100	31	26	15	15	5	5	2
1995	100	31	33	12	16	1	7	1
1996	100	33	32	13	14	1	6	1
1997	100	40	27	11	14	Z	6	1
1998	100	43	29	12	8	Z	7	1
1999	100	40	34	9	7	Z	7	1
2000	100	41	28	13	8	Z	6	4
2001	100	42	22	17	10	Z	4	5

NA Not available. Z Rounds to less than .05 percent.

refugee admissions were 78,000 in 1999, 90,000 in 2000, and 80,000 in 2001. Asylees must also wait 1 year after they are granted asylum to apply for lawful permanent residence. Until 1992, there was a limit of 5,000 adjustments per year. The Immigration Act of 1990 increased the limit to 10,000.

More than 1 million immigrants were granted legal permanent resident status during 2001.

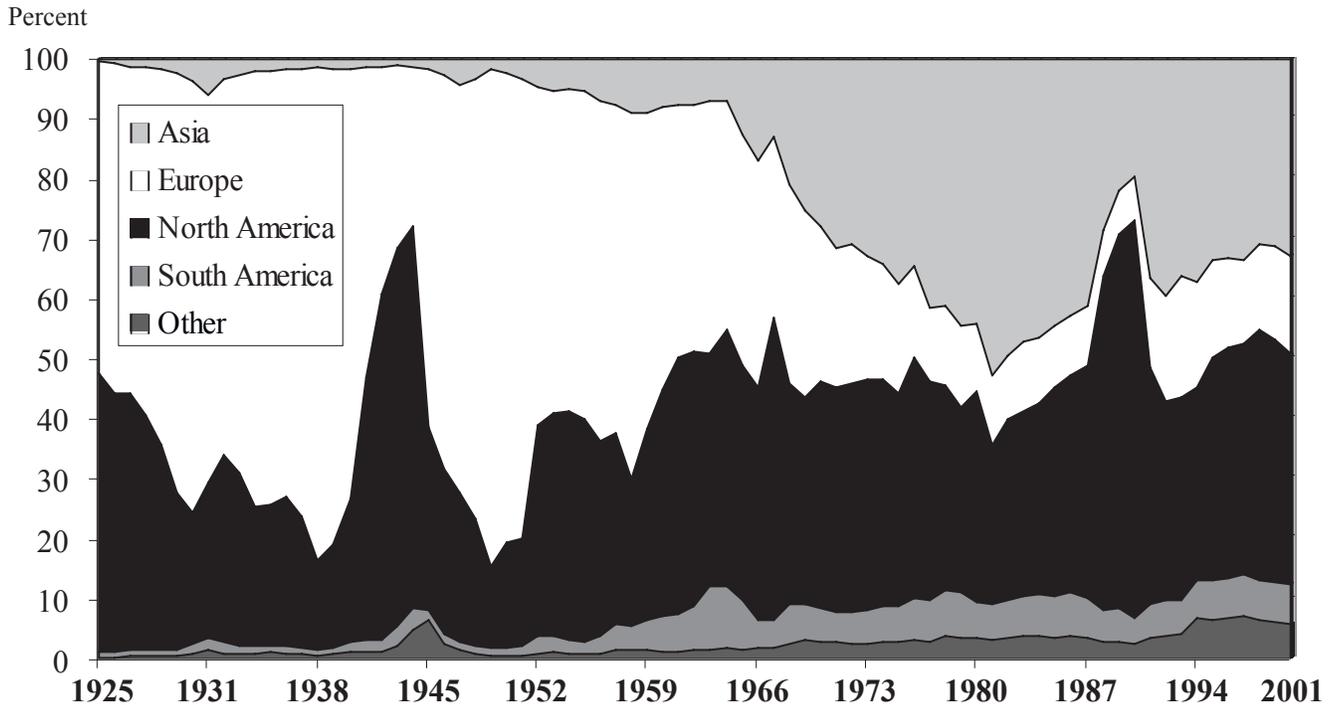
Data Overview

The number of immigrants admitted for lawful permanent residence in the United States in 2001 was 1,064,318 (see Chart A). Included in this total were 411,059 aliens previously living abroad who obtained immigrant visas through the U.S. Department of State and became lawful permanent residents upon entry into the United States. The remaining 653,259 legal immigrants, including former undocumented immigrants, refugees, and asylees, had been living in the United States an average of three years and adjusted status through the INS. Not included in 2001 legal immigration figures are aliens whose adjustment of status applications were pending a decision at the INS at the end of the year.

Highlights

- ◆ The number of persons granted lawful permanent residence in the U.S. increased to 1,064,318 in fiscal year 2001 from 849,807 in fiscal year 2000 (see Chart A). This increase of 215,000 was concentrated almost entirely among adjustments of status and reflects efforts to address the application backlog at INS. At the end of fiscal year 2001 there were 970,000 adjustment of status cases pending a decision.
- ◆ Sixty-four percent of all legal immigrants in fiscal year 2001 were family sponsored, 17 percent were admitted under employment preferences, 10 percent were admitted as refugees or asylees, and 3 percent were admitted under Sections 202 and 203 of the Nicaraguan Adjustment and Central American Relief Act (NACARA) of 1997. The classes of admission with the greatest increases in legal immigration between 2000 and 2001 were spouses of U.S. citizens, employment preferences, and refugees.
- ◆ In 2001, as in 2000, the leading country of origin for legal immigrants was Mexico (206,426). India (70,290) replaced the People's Republic of China (56,426) as the second leading sending country, followed by the Philippines (53,154), and Vietnam (35,531). These five countries represented 40 percent of all immigrants in 2001.

Chart B
Legal Immigrants by Region of Birth: Fiscal Years 1925-2001



NOTE: See Glossary for fiscal year definitions. Source: 1991-2001, Table 3; 1925-90, previous *Yearbooks*.

- ◆ The primary destination states for legal immigrants in 2001, as in every year since 1971, were California (282,957), New York (114,116), Florida (104,715), Texas (86,315), New Jersey (59,920), and Illinois (48,296). These six states accounted for 65 percent of all legal immigrants in 2001.

Understanding the Data

Data Collection

Aliens arriving from outside the United States (new arrivals) generally must have a valid immigrant visa issued by the U.S. Department of State to be admitted for legal permanent residence. Aliens already in the United States in a temporary status who are eligible to become legal permanent residents (adjustments) are granted immigrant status by the U.S. Immigration and Naturalization Service. The source of information on new arrivals is the immigrant visa (*OF-155, Immigrant Visa and Alien Registration*, U.S. Department of State). Information on adjustments comes from the form granting legal permanent resident status (*I-181, Memorandum of Creation of Record of Lawful Permanent Residence*, U.S. Immigration and Naturalization Service). Immigrant applications from both sources are processed through the Computer Linked Applicant Information System (CLAIMS). Immigrant records for fiscal year 2001 were identified in CLAIMS

based on the date the decision was made to grant lawful permanent residence.

Limitations of Data

The number of immigrants admitted for legal permanent residence in a year is not the same as the number of net migrants who entered the United States in that year. The reasons for the difference in counts are:

- 1) Immigrant adjustments are reported in the year the aliens adjust their status to lawful permanent residence and not in the year they migrate to the United States in a temporary or other (refugee or asylee) status.
- 2) Some migrants (such as parolees, refugees, and asylees) may never be counted as lawful permanent residents even though they reside permanently in the United States (they are not required to adjust to permanent resident status).
- 3) Information on emigration (aliens permanently departing the United States) and information on net illegal immigration is not available (see Data Gaps section).
- 4) Missing values were a problem especially for adjustment of status cases for certain variables including occupation, nonimmigrant class of entry, and nonimmigrant year of entry.